

Appl. No. 10/663,333
Resp. dated October 25, 2006
Reply to Office Action of July 25, 2006

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CENTRAL FAX CENTER Atty. Docket No. 487.1084

OCT 25 2006

REMARKS

Claims 1-32 are pending in this application. In the Office Action dated July 25, 2006, the Examiner stated that claims 1-18 and 21-32 are allowed but rejected claims 19 and 20 under 35 U.S.C. § 102(b) as being anticipated by DE 10108493 (Obendeik).

Applicants first thank the Examiner for his indication of allowable claims 1-18 and 21-32. However, Applicants traverse the rejection of claims 19 and 20.

Obendiek discloses a convertible vehicle top comprising a middle first roof part 5 and a front second roof part 4. As shown in Fig. 3 of Obendiek, underneath the middle first roof part 5 is provided a four bar linkage 24 comprising *inter alia* link 27. However, contrary to the Examiner's statement, link 27 is not pivotably connected to the middle roof part 5, but is fixedly connected thereto. Support therefore can be found in the illustration of Fig. 3 of Obendiek, and further in column 4, lines 66 to 67: "Das mittlere Schalenteil 5 ist fest mit einem Linker 27 des mittleren Viergelenks 24 verbunden", which reads in English translation: "The middle roof part 5 is fixedly connected to a link 27 of said middle four bar linkage 24." (emphasis added)

Accordingly, it should be clear that the feature of "a link (27) pivotably connected to the (middle) first roof part" recited in both claims 19 and 20 of the application is not present in Obendiek

It should be noted that Obendiek also does not provide any hint as to modifying the kinematics of said link 27 connected to the middle first roof part 5. In this context, the fact that the link 27 serves as a basis for the four-bar linkage 24 and the four-bar linkage 19 teaches away from using a hinge between the link 27 and the middle first roof part, and instead teaches to fixedly connect the link 27 thereto, as explained above. In other terms; the kinematics of the convertible vehicle top according to Obendiek could not work if the link 27 would be pivotably connected to the middle roof part 5. In the context, Applicants refer to Figures 23-25 of the present application, which shows the differences over Obendiek.

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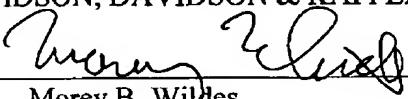
Accordingly, Applicants respectfully request that the Examiner withdraw of the rejection of claims 19 and 20 under 35 U.S.C. § 102(b).

Conclusion

Reconsideration of the present application, as amended, is requested. If, upon review, the Examiner has any questions with regard to this Response or is for any reason unable to enter the amendments as presented, the Examiner is respectfully requested to telephone Applicant's undersigned attorney in order to resolve any outstanding issues and advance the prosecution of the case.

An early and favorable action on the merits is earnestly solicited.

Respectfully Submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
Morey B. Wildes
Reg. No. 36,968

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, NY 10018
(212) 736-1940